

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.,

Plaintiff, Counter-defendant,

APPLE INC.,

Defendant, Counterclaimant.

Case No. 4:20-cv-05640-YGR-TSH

**OBJECTION TO SPECIAL MASTER
RULING ON APPLE INC.'S
PRODUCTIONS OF RE-REVIEWED
PRIVILEGED DOCUMENTS**

The Honorable Thomas S. Hixson
San Francisco Courthouse
Courtroom E - 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Dear Magistrate Judge Hixson,

Pursuant to section 4 of the Joint Stipulation and Order Approving Privilege Re-Review Protocol (Dkt. 1092) (the "Protocol"), Apple respectfully submits the following Objection to certain of the Special Masters' privilege determinations issued on April 4, 2025, regarding Apple's production of re-reviewed and privileged documents. We are submitting this document for *in-camera* review contemporaneously with this filing.

Apple's objection relates only to a document Apple believes is not already covered by Your Honor's and Judge Gonzalez Rogers' existing rulings on Apple's privilege assertions in this post-judgment discovery. As previously noted, *see* Dkt. 1109, Apple reserves all rights as to documents affected by those rulings, including any post-judgment appellate rights.

Entry No. 2642 (PRIV-APL-EG 00098055)

Entry No. 2642 is an email exchange between Apple employees, including in-house counsel Ling Lew, regarding the recoupment of certain regulatory fees. The redacted portions of this email contain specific exchanges between in-house counsel and Apple employees regarding the legal characterization of these fees. Employees direct specific legal questions to in-house counsel, requesting their view from a legal perspective. “[C]ommunications between corporate personnel and their in-house counsel made for the purpose of securing legal advice are protected by [attorney-client] privilege,” *United States v. ChevronTexaco Corp.*, 241 F. Supp. 2d 1065, 1076 (N.D. Cal. 2002); *see also Labbe*, 2023 WL 5672950, at *4 (privilege applies to “communications for the purpose of giving legal advice”), as are “confidential disclosures” made “to an attorney in order to obtain legal advice,” *In re Meta Healthcare Litig.*, 2024 WL 3381029, at *2 (N.D. Cal. July 10, 2024). The redacted communications were made for the purpose of securing and providing legal advice and are thus privileged.

DATED: April 10, 2025

WEIL, GOTSHAL & MANGES LLP

By: /s/ Mark A. Perry
Mark A. Perry

Counsel for Defendant Apple Inc.